

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

APR 26/2013

AT BALTIMORE
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND DEPUTY

CIVIL ACTION NO. WDQ-12-2266

CALVIN HEMPHILL,
PLAINTIFF

v.

SHAVELLA MILES, et al.
DEFENDANTS

BY

[Signature]

MOTION FOR VOLUNTARY DISMISSAL

COMES NOW THE PLAINTIFF, CALVIN HEMPHILL, PRO SE, AND PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE 41, RESPECTFULLY MOVING THIS COURT TO ALLOW HIM TO VOLUNTARILY DISMISS HIS COMPLAINT WITHOUT PREJUDICE. IN SUPPORT OF THIS MOTION, HE STATES AS FOLLOWS:

- 1.) ON APRIL 4, 2013, THE PLAINTIFF WAS TRANSFERRED FROM RCI TO A NEWLY ESTABLISHED ADMINISTRATIVE SEGREGATION UNIT AT MCI-H;
- 2.) ON APRIL 8, 2013, THE PLAINTIFF PLACED TWO MANILLA ENVELOPES CONTAINING COPIES OF HIS OPPOSITION TO DEFENDANTS MOTION FOR SUMMARY JUDGEMENT IN THE HANDS OF PRISON OFFICIALS FOR MAILING. HE ALSO GAVE PRISON OFFICIALS TWO LETTERS TO BE MAILED TO HIS MOTHER AND SISTER. ALL ENVELOPES WERE MARKED NSF (NON-SUFFICIENT FUNDS) PER PRISON REGULATIONS BECAUSE THE PLAINTIFF IS INDIGENT;
- 3.) ON APRIL 14, 2013, THE PLAINTIFF GAVE PRISON OFFICIALS AN ENVELOPE CONTAINING A COMPLETED SERVICE OF PROCESS FORM FOR MAILING. SUSPECTING THAT HIS ENVELOPES WEREN'T BEING MAILED, THE PLAINTIFF INCLUDED A LETTER TO THE COURT CLERK REQUESTING COPIES OF THE DOCKET ENTRIES FOR THE INSTANT ACTION. THIS ENVELOPE WAS ALSO MARKED NSF;
- 4.) ON APRIL 18, 2013, THE PLAINTIFF GAVE PRISON OFFICIALS TWO MANILLA ENVELOPES CONTAINING COPIES OF HIS AMENDED COMPLAINT FOR MAILING. THESE ENVELOPES WERE ALSO MARKED NSF;
- 5.) NONE OF THE PLAINTIFF'S MAIL LEFT THE PRISON. THE PLAINTIFF FILED AN ARP ON 4-23-13, AND IS EXHAUSTING HIS REMEDIES ABOUT THE MAIL.

6.) THE PLAINTIFF WAS RECENTLY GIVEN A DIETARY JOB WHERE HIS STATE PAY IS \$18.00 PER MONTH. AFTER MANDATORY DEDUCTIONS (FILING FEES, RELEASE ACCOUNT), THE PLAINTIFF WILL BE LEFT WITH \$9.00.

7.) TO FORCE THE PLAINTIFF TO CONTINUE WITH THIS SUIT WOULD PLACE AN UNBEARABLE BURDEN ON HIM WHERE HE WOULD HAVE TO CHOOSE BETWEEN BUYING HYGEINE ITEMS OR PAYING FOR PHOTOCOPIES. EVEN THEN HE WOULDN'T HAVE ANY MONEY LEFT TO PAY POSTAGE. (THE PLAINTIFF HAD TO BORROW A STAMP TO MAIL THIS MOTION).

WHEREFORE, THE PLAINTIFF RESPECTFULLY PRAYS THAT THE HONORABLE JUDGE ALLOW HIM TO VOLUNTARILY DISMISS HIS COMPLAINT WITHOUT PREJUDICE.

RESPECTFULLY SUBMITTED,

Calvin Hemphill

CALVIN HEMPHILL #406562

MCI-H

18601 ROXBURY RD

HAGERSTOWN, MD 21746

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT ON THIS 24TH DAY OF APRIL 2013, A COPY OF THE FOREGOING MOTION FOR VOLUNTARY DISMISSAL WAS PLACED IN THE HANDS OF PRISON OFFICIALS FOR MAILING, POSTAGE PREPAID, TO:

TAMAL A. BANTON

DPSCS OAG

115 SUDBROOK LANE, SUITE A

PIKESVILLE, MD 21208

Carri J. Smith